

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

BARRY GRANVILLE WILEY, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 3:07-0382

WAYNE COUNTY PROSECUTING
ATTORNEY'S OFFICE, et al.,

Defendants.

ORDER

This action was referred to the Honorable Maurice G. Taylor, Jr., United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Plaintiff's application to proceed in forma pauperis be granted and that his complaint and this action be dismissed. Neither party has filed objections to the Magistrate Judge's findings and recommendation. A copy of the findings and recommendation were returned from the Western Regional Jail marked "no forwarding address" and plaintiff has not provided a new address to the Clerk of this Court.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Plaintiff's application to proceed in forma pauperis and **DISMISSES** his complaint and this action, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Taylor, counsel of record, and any unrepresented parties.

ENTER: July 6, 2009

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE